

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL E. MONE

Plaintiff,

v.

Civil Action No. 04-11009-NMG

DEPARTMENT OF NAVY

Defendant

/

DEFENDANT'S MOTION FOR RECONSIDERATION

Pursuant to Fed. R. Civ. P. 59(e), Defendant Department of the Navy respectfully requests that the Court reconsider its Order of January 26, 2005 (Docket No. 11), that defendant provide the Court with its litigation report for *in camera* review. As set forth more fully in the accompanying Memorandum, because this Court has found that the affidavits submitted by defendant establish that the litigation report constitutes attorney work product, *in camera* review is not necessary.

WHEREFORE defendant requests that the Court reconsider its Order.

By its attorney,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Barbara Healy Smith
BARBARA HEALY SMITH
Assistant U.S. Attorney
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Dated: February 9, 2005

**CERTIFICATION OF COMPLIANCE WITH
LOCAL RULE 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that on February 9, 2005, she called plaintiff's law firm and left a phone message for plaintiff, regarding the grounds for and relief requested by this motion.

/s/ Barbara Healy Smith
Barbara Healy Smith
Assistant U.S. Attorney